THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.20190 OF 2006

DATED: 17-04-2007

Between :

Smt. Nalluru Pranitha … Petitioner

And

The Government of Andhra Pradesh, rep. By its
Principal Secretary, Irrigation & CAD Department,
Secretariat Buildings, Hyderabad.,
And 2 others. .. Respondents

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ORDER :

The petitioner claims to be the owner of different extents of land situated in Sy.No.447/7 and Sy.No.364/2 of Chillakuru Village, Chillakuru Mandal, Nellore District having purchased the same under a Registered Sale Deed, dated 08-05-1997. A part of the said land is acquired under the Land Acquisition Act, 1894 (for short, 'the Act') for digging a major distributory canal under 5th branch canal of Telugu Ganga Project. The petitioner states that she came to know about the acquisition from a notification dated 31-8-2006 published in the local dailies by way of errata to the declaration made under Section 6 of the Land Acquisition Act dated 24-5-2006. Pursuant thereto, the notice under Section 9 (3) and Section 10 of the Act was issued to the petitioner calling upon to submit the objections, if any, to the measurements and to put in a statement with all necessary particulars showing the nature of her interest in the land in question by appearing in person or by authorised agent on 22-9-2006.

The petitioner alleges that in the errata dated 31-8-2006 as well as in the notice issued under Section 9 (3) of the Act the land belonging to the petitioner was wrongly described and even the trees standing thereon were not shown. In the circumstances, the petitioner submitted their objections before the respondents on 22-9-2006. It is alleged that the respondents without considering the objections submitted by the petitioner have been taking steps to fix the stones on the land in question for the purpose of laying approach roads to the

proposed canal. Aggrieved by the said action, this writ petition is filed.

I have heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents.

As could be seen from the material on record, the declaration under Section 6 of the Act was published in the Gazette long back on 24-5-2006. Thereafter, an errata to the said declaration was published on 31-8-2006. It is also not in dispute that the notice under Section 9 (1) of the Act was published in the month of September, 2006 itself followed by Form-7 Notice issued under Section 9 (3) of the Act. In the circumstances, under Section 17 of the Act, it is open to the respondents to take possession of the land on the expiration of 15 days from the publication of the notice under Section 9 (1) of the Act. Nothing could be placed before this Court by the petitioner to show that she is still continuing in possession of the land. On the other hand, even from the version of the petitioner, it appears that the steps are being taken to lay the approach roads across the land in question which indicates that the land stood vested in the Government.

Having regard to the facts and circumstances, though I do not find any justifiable reason to issue a Mandamus as prayed for, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to participate in the enquiry pending before the 3rd respondent. The petitioner is also granted liberty to submit her objections, if any, and particulars of her claim to compensation, if not already submitted, within a period four weeks from the date of receipt of a copy of this order, in which event the 3rd respondent shall consider the same and pass appropriate orders in accordance with law.

Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 17-04-2007

klp